

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

UNITED STATES OF AMERICA

vs.

DAVID BLACK, JR.

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1:21-CR-00134-RP

ORDER OF DETENTION PENDING TRIAL

In accordance with the Bail Reform Act, 18 U.S.C. § 3142(f), a detention hearing has been held. I have considered the evidence and proffers presented during the hearing, the pleadings on file, the recommendation of Pretrial Services, and the four factors set out in the Bail Reform Act, 18 U.S.C. § 3142(g). In light of all of this, I find that the record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

The reasons for my decision include, in particular:

- the nature and circumstances of the offense charged, namely, felon in possession of a firearm in violation of 18 U.S.C. §§ 922(g)(1) and 924(a), and in particular, the circumstances of Defendant's arrest, in which Defendant was apprehended after his involvement in a drive-by shooting;
- the weight of the evidence against Defendant, in particular, that an AR-15-style gun was retrieved from the passenger seat of the vehicle where Defendant was sitting at the time the car was stopped;

- the history and characteristics of the person, namely, multiple recent felon-in-possession-of-a-firearm violations, and the fact that Defendant was on pretrial release at the time of the violations in this case; and
- the nature and seriousness of the danger to any person or the community that would be posed by the person's release, in particular, Defendant's numerous firearm-related violations and his alleged participation in a drive-by shooting in a residential area.

This record establishes by clear and convincing evidence that that no condition or combination of conditions will reasonably assure the safety of any other person.

DIRECTIONS REGARDING DETENTION

Defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

SIGNED March 21, 2022.



DUSTIN M. HOWELL
UNITED STATES MAGISTRATE JUDGE